



AMERICAN PETROLEUM INSTITUTE

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Friday, May 11, 2018

*Via Electronic Filing*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: Ex Parte Letter: Promoting Investment in the 3550-3700 MHz Band –  
GN Docket No. 17-258

Dear Ms. Dortch:

The American Petroleum Institute (“API”) is on record in the instant proceeding as a strong supporter of the existing Citizens Band Radio Service (“CBRS”) area licensing rules.<sup>1</sup> Under the current 3.5 GHz framework, the Commission will initially assign seven census-tract Priority Access Licenses (“PALs”) at auction in all areas of the United States. In recent weeks, API has joined the efforts of the Industrial Internet of Things (“IIoT”) Coalition to support a compromise to purely census-tract licensing in the 3.5 GHz band. API supported parity in this area, which would involve (4) census tract based and up to (4) wide area based PAL’s, if the Commission would re-allocate 10 MHz of additional GAA spectrum for wide area PAL use. This would not only achieve a fair compromise with the large wireless carriers, but would allow at least 40 megahertz of CBRS spectrum for oil and gas industry entities and other industrial and critical-infrastructure operators to self-provision their own geographically-targeted private wireless IIoT networks at their facilities throughout the United States.

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<sup>1</sup> See Comments of Telecommunications Subcommittee of the American Petroleum Institute and the Regulatory and Technology Committee of the Energy Telecommunications and Electrical Association, GN Docket No. 17-258 (Dec. 28, 2017); Reply Comments of the American Petroleum Institute, GN Docket No. 17-258 (Jan. 29, 2018); Letter from IIoT Coalition to Marlene Dortch, Secretary, FCC, GN Docket No. 17-258 (Apr. 18, 2018) (“IIoT Coalition *Ex Parte*”). See generally *Promoting Investment in the 3550-3700 MHz Band*, Notice of Proposed Rulemaking and Order Terminating Petitions, 32 FCC Rcd 8071 (2017) (“*NPRM*”).

While API agrees with the CBRS Coalition's call in its May 9 *ex parte* letter for a hybrid licensing framework at 3.5 GHz that includes a mix of county-based and census-tract PALs,<sup>2</sup> it cannot support that Coalition's proposed ratio of five county-based PALs to two census-tract PALs nationwide. As API has previously indicated, a fair compromise policy in the CBRS band should include parity - meaning at least four census-tract PALs<sup>3</sup> in all areas of the United States. After all, the whole point of "Citizen's" being part of CBRS is to ensure that a majority (50% or more) of the priority access is truly viable for entities outside of the large wireless carriers. API finds the "compromise" plan for CBRS that has been submitted by large wireless carriers which relies entirely on large-area licensing and provides for zero census-tract PALs,<sup>4</sup> as not only an indication of a lack of acknowledgement by those carriers of the industrial needs for licensed access that CBRS was meant to address, but a plan that should be dismissed by the Commission as to accept it would be a breach of the Commission's responsibility to see CBRS as an innovation band.

Accordingly, API urges the Commission to adopt rules that enable a wide variety of non-traditional spectrum users including API's oil and gas industry members and the CBRS Coalition to make full use of the 3.5 GHz Innovation Band, including priority access by census tract, rather than to impose a licensing scheme that leaves this spectrum under the control of a small number of large wireless carriers.

Respectfully submitted,

**American Petroleum Institute**

/s/ James Crandall

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<sup>2</sup> Letter from CBRS Coalition to Marlene Dortch, Secretary, FCC, GN Docket No. 17-258 (May 9, 2018) ("CBRS Coalition *Ex Parte*").

<sup>3</sup> See IIoT Coalition *Ex Parte* at n.2

<sup>4</sup> Letter to Marlene Dortch, Secretary, FCC, from Rebecca Murphy Thompson, CCA, and Scott K. Bergmann, CTIA, GN Docket No. 17-258 (Apr. 20, 2018).